

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GANNON LASSEIGNE

Plaintiff,

v.

MARY JO WHITE,
Chairman of the Securities and
Exchange Commission

Defendant.

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CIVIL ACTION

No. 1:14-CV-3156-TWT-ECS

**ORDER, REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on Defendant's motion to dismiss, [Doc. 10], and Plaintiff's consent motion to amend the complaint. [Doc. 26].

Upon consideration, Defendant consenting thereto, Plaintiff's consent motion to amend the complaint, [Doc. 26], is **GRANTED**. Plaintiff's amended complaint, [Doc. 26-1], shall be deemed filed as of the date of this order. The Clerk is **DIRECTED** to enter Plaintiff's amended complaint, [Doc. 26-1], as a separate entry on the docket in the instant case.

The filing of Plaintiff's amended complaint moots Defendant's motion to dismiss. "[A]n amended complaint supersedes the initial complaint and becomes the operative pleading in the case." Lowery v. Ala. Power Co., 483 F.3d 1184, 1219 (11th Cir. 2007); see also

ABATE of Ga., Inc. v. Georgia, 137 F. Supp. 2d 1349, 1353 (N.D. Ga. 2001) ("In light of the Plaintiffs having filed a Second Amended Complaint, the Motion to Dismiss the Amended Complaint is moot."), aff'd on other grounds, 264 F.3d 1315 (11th Cir. 2001) (per curiam). Accordingly, **IT IS RECOMMENDED** that Defendant's motion to dismiss, [Doc. 10], be **DENIED AS MOOT**.

SO ORDERED AND RECOMMENDED, this 11th day of March, 2015.

s/ E. Clayton Scofield III
E. CLAYTON SCOFIELD III
UNITED STATES MAGISTRATE JUDGE